

AMENDED IN SENATE JUNE 21, 2000

AMENDED IN SENATE JUNE 8, 2000

AMENDED IN ASSEMBLY MAY 1, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 1961**

**Introduced by Assembly Member Machado**

(Principal coauthor: Senator Dunn)

February 18, 2000

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An act to amend Section 12200 of the Penal Code, relating to firearms.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1961, as amended, Machado. Machineguns: definition.

Existing law prohibits a person, firm, or corporation from possessing, transporting, manufacturing, or selling a machinegun unless authorized to do so. A machinegun is defined to mean, in part, any weapon that shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame receiver that can only be used with that weapon.

This bill would expand the above definition of a machinegun to include any weapon that can readily be restored to shoot, automatically, more than one shot, ~~and to also include a frame receiver, or trigger mechanism that can only be used with that weapon.~~ *This bill would also include in the above definition any combination of parts from which a*

*machinegun can be assembled if those parts are in the possession and control of the person.* By expanding the definition of a machinegun, this bill would expand the scope of a crime and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12200 of the Penal Code is  
2 amended to read:

3 12200. The term “machinegun” as used in this  
4 chapter means any weapon—~~that~~ *which* shoots,—~~or~~ is  
5 designed to shoot, or can readily be restored to shoot,  
6 automatically; more than one shot, without manual  
7 reloading, by a single function of the trigger. The term  
8 shall also include the frame or receiver of any—~~like~~ *such*  
9 weapon, any part designed and intended solely and  
10 exclusively, or combination of parts designed and  
11 intended, for use in converting a weapon into a  
12 machinegun, and any combination of parts from which a  
13 machinegun can be assembled if—~~those~~ *such* parts are in  
14 the possession or under the control of a person. The term  
15 also includes any weapon deemed by the federal Bureau  
16 of Alcohol, Tobacco, and Firearms as readily convertible  
17 to a machinegun under Chapter 53 (commencing with  
18 Section 5801) of Title 26 of the United States Code.

19 SEC. 2. No reimbursement is required by this act  
20 pursuant to Section 6 of Article XIII B of the California  
21 Constitution because the only costs that may be incurred  
22 by a local agency or school district will be incurred  
23 because this act creates a new crime or infraction,  
24 eliminates a crime or infraction, or changes the penalty  
25 for a crime or infraction, within the meaning of Section



1 17556 of the Government Code, or changes the definition  
2 of a crime within the meaning of Section 6 of Article  
3 XIII B of the California Constitution.

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